

## HIGHWAYS, WALES

2013 NO. 13

### TOWN AND COUNTRY PLANNING ACT 1990

#### THE STOPPING UP OF HIGHWAYS (WARREN EVANS COURT, GLANDWR PLACE, WHITCHURCH, CARDIFF) ORDER 2013

<i>Made</i>	22 May 2013
<i>Coming into Force</i>	31 May 2013

The Welsh Ministers make this Order in exercise of their powers under section 247 of the Town and Country Planning Act 1990(1).

#### **Title, Interpretation and Commencement**

1. (1) The title of this Order is the Stopping Up of Highways (Warren Evans Court, Glandwr Place, Whitchurch, Cardiff) Order 2013.

(2) In this Order:-

“the Council” (“*y Cyngor*”) means the Council of the City and County of Cardiff;

“the developer” (“*y datblygwr*”) means the person carrying out the development for which the planning permission has been given;

“the deposited plan” (“*y plan a adnewyd*”) means the plan entitled “The Stopping Up of Highways (Warren Evans Court, Glandwr Place, Whitchurch, Cardiff) Order 2013” which accompanies this Order; and

“the 1990 Act” (“*Y Ddeddf 1990*”) means the Town and Country Planning Act 1990.

(3) This Order comes into force on the date on which notice that it has been made is published in accordance with section 252(10) of the 1990 Act.

#### **Stopping Up**

2. Subject to articles 3, 4, 5 and 6, the Welsh Ministers authorise the stopping up of the area of highway described in Schedule 1 shown by zebra hatching on the deposited plan. The Welsh Ministers are satisfied that the stopping up is necessary to enable development to be carried out in accordance with planning permission granted under Part III of the

Act of 1990 by the Council on 24 December 2012 under reference 12/01872/DCO and described in Schedule 4 to this Order.

### **New/Improved Highway(s)**

3. There shall be created, to the reasonable satisfaction of the Council, the new highways described in Schedule 2 and shown by stipple marking on the deposited plan; the improved highways described in Schedule 3 and shown by cross hatching on the deposited plan; which are to be highways that, for the purposes of the Highways Act 1980(2), are highways maintainable at the public expense and the Council will be the highway authority for them.

### **Provisions Necessary or Expedient before Stopping Up and for the Provision or Improvement of the Highways**

4. The areas of highway in Schedule 1 must not be stopped up until:

(a) the developer has provided, to the reasonable satisfaction of the Council, the new and improved highways described in Schedules 2 and 3;

(b) the developer has provided, to the reasonable satisfaction of the Council, plans showing the means whereby the area of highway is to be stopped up

(c) the development in Schedule 4 has commenced and the developer has informed the Council in writing of the necessity to close the highway to allow the development to proceed; and

(d) the Council has confirmed in writing to the developer that the provisions of (a), (b) and (c) are satisfied.

### **Statutory Undertakers and Providers**

4. Where immediately before the area of highway is stopped up in pursuance of this Order, there is under, in, on, over, along or across that highway any apparatus of statutory undertakers or public communications providers then, (subject to section 261(4) of the Act of 1990), the undertakers or providers are to continue to have the same rights in respect of the apparatus as they had before the stopping up.

### **Duration of this Order**

5. If the development referred to in Schedule 2 of this Order has not begun within the relevant period specified in Part III of the Act of 1990 as being the

duration of the planning permission or the permission is revoked before the end of such period, this Order will cease to have effect upon cessation of the planning permission.

Signed under authority of the Minister for Economy, Science and Transport, one of the Welsh Ministers.

Dated 22 May 2013

*R Morgan*

**RICHARD MORGAN**  
Head of Asset Management and Standards  
Welsh Government

- (1) 1990 c. 8. By virtue of S.I. 1999/672, Article 2 and Schedule 1, the functions of the Secretary of State, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales and are now exercisable by the Welsh Minister by virtue of section 162 of, and paragraph 30(2) of Schedule 11 to, the Government of Wales Act 2006.
- (2) 1980 c. 66

## **SCHEDULES**

### **SCHEDULE 1**

**(All measurements are approximate)**

#### **Description of the area of highway to be stopped up under this Order**

An irregularly shaped area forming part of the highway known as Glandwr Place, having a maximum length of 5.4 metres, a maximum width of 4.5 metres and a total area of 19.24 square metres. The area is marked point 'A' on the deposited plan.

### **SCHEDULE 2**

#### **Description of the new areas of highway to be provided under this Order**

i. An irregularly shaped area opposite number 43 Warren Evans Court having a maximum length of 3.7 metres, a maximum width of 6 metres and a total area of 22.76 square metres. The area is marked point 'B' on the deposited plan.

ii. An irregularly shaped area running from opposite number 47 to number 52 Warren Evans Court having a maximum length of 36 metres, a maximum width

of 1.6 metres and a total area of 64.6 square metres. The area is marked point 'C' on the deposited plan.

iii. An irregularly shaped area to the north of Glandwr Place having a maximum length of 81 metres, a maximum width of 7.5 metres and a total area of 346.9 square metres. The area is marked point 'D' on the deposited plan.

### **SCHEDULE 3**

#### **Description of the area of highway to be improved under this Order**

An irregularly shaped area of highway, extending from 58 Warren Close to 4 Warren Evans Court, having a maximum length of 114 metres, a maximum width of 54 metres and a total area of 1,414 square metres. The area is marked point 'E' on the deposited plan.

### **SCHEDULE 4**

#### **Proposed Development at Warren Evans Court, Glandwr Place, Whitchurch.**

The extinguishment of a section of highway and realignment of adopted highway to provide additional formal parking bays.

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **THE STOPPING UP OF HIGHWAYS (WARREN EVANS COURT, GLANDWR PLACE, WHITCHURCH, CARDIFF) ORDER 2013**

**NOTICE IS HEREBY GIVEN** that the Welsh Ministers have made an Order under section 247 of the Town and Country Planning Act 1990 to authorise the stopping up of the area of highway described in Schedule 1 to this Notice; to provide for the new areas of highway described in Schedule 2 to this Notice and to improve the area of highway described in Schedule 3 to this Notice.

The stopping up will be authorised only in order to enable the development described in Schedule 4 of this Notice to be carried out. The Order will cease to have effect if the planning permission expires or is revoked.

During the 6 weeks from 31 May 2013, copies of the Order and the deposited map may be inspected free of charge at the offices of Cardiff County Council, Development Control, City Hall, Cathays Park,

Cardiff CF10 3ND or may be obtained free of charge from the address below quoting the Welsh Government reference qA1046882.

If a person is aggrieved by the Order, on the ground that:

- a. it is not within the powers of the Town and Country Planning Act 1990; or
- b. a procedural requirement of the Act has not been complied with,

that person may, within 6 weeks of 31 May 2013, make an application for the purpose to the High Court.

A copy of the Order and Notice can be viewed at the Welsh Government's website at [www.wales.gov.uk](http://www.wales.gov.uk) (Select: Legislation / Subordinate Legislation / Non-Statutory Instruments / Transport, Wales/ TCPA Stopping Up Orders / 2013).

**A copy of this Notice in larger print can be obtained from Transport, Welsh Government, Cathays Park, Cardiff CF10 3NQ.**

*M D Burnell*

**M D BURNELL**  
Transport  
Welsh Government

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